

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

1011 N GRANDVIEW AVENUE  
GLENDALE, CA 91201  
(818) 551-2800

**COPY**

June 30, 1994

**CERTIFIED MAIL**

Mr. Mockey J. Real, Jr. GM-15 USAF  
Chief, Environmental Management  
Department of the Air Force  
Headquarters 30th Space Wing  
Vandenberg Air Force Base, CA 93437-6021

Dear Real:

**IN THE MATTER OF:    VANDENBERG AIR FORCE BASE,    EPA I.D. NUMBER  
                                 CA 7570025149**

Enclosed please find a Stipulation and Order concerning violations of Chapter 6.5 of Division 20 of the California Health and Safety Code and Title 22 of the California Code of Regulations.

Please read, sign on page eight and return the original to me at the address above, telephone number (818) 551-2961.

Sincerely,

A handwritten signature in cursive script that reads 'Roy Yeaman'.

Roy Yeaman  
Unit Chief  
Facilities Management Branch

Certified Mail  
P 142 992 171  
Return Receipt Requested

Enclosures

bcc: Mr. Robert P. Hoffman                      HQ-8  
Chief Counsel  
Office of Legal Counsel  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806

Ms. Mary Locke, Chief                      HQ-11  
Criminal Investigations Branch  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806

Mr. Charles McLaughlin  
Branch Chief  
Region 1 (Sacramento)  
Surveillance and Enforcement Branch  
Department of Toxic Substances Control  
10151 Croydon Way  
Sacramento, California 95827

Ms. Charlene Williams  
Branch Chief  
Region 2 (Emeryville)  
Surveillance and Enforcement Branch  
Department of Toxic Substances Control  
2151 Berkeley Way, Annex 7  
Berkeley, California 94704

Ms. Paula Rasmussen  
Branch Chief  
Region 4 (Long Beach)  
Surveillance and Enforcement Branch  
Department of Toxic Substances Control  
245 West Broadway, Suite 350  
Long Beach, California 90802

Mr. Larry Matz                      HQ-10  
Acting Chief  
HQ's Surveillance and Enforcement Branch  
Department of Toxic Substances Control  
P. O. Box 806  
Sacramento, California 95812-0806

Ms. Margaret Gross                      HQ-2  
Cost Recovery Unit  
Department of Toxic Substances Control  
P. O. Box 806  
Sacramento, California 95812-0806

bcc: Ms. Barbara Barbee           HQ-12  
SMB Grants Administration Unit  
Department of Toxic Substances Control  
400 P Street, 4th Floor  
Sacramento, California 95814

Mr. Tim Sullivan  
Waste Compliance Branch (H-4-1)  
U.S. Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Ms. Ann Tsuda  
Division Chief  
Health Hazardous Materials Division  
Los Angeles County Fire Department  
5825 Rickenbacker Road  
Commerce, California 90040

Mr. Robert P. Ghirelli  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

Ms. Theodora Berger  
Assistant Attorney General  
Environmental Law Section  
Department of Justice  
300 South Spring Street  
North Tower, 11th Floor  
Los Angeles, California 90013

Mr. Michael Delaney  
Deputy District Attorney  
Environmental Crimes/OSHA Division  
320 Temple Street, Room 340  
Los Angeles, California 90012

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

|                               |   |                        |
|-------------------------------|---|------------------------|
| In the Matter of:             | ) | Docket DO 93/94-3-3009 |
|                               | ) |                        |
| Vandenberg Air Force          | ) | STIPULATION AND ORDER  |
| 30th Space Wing/ET            | ) |                        |
| Bldg 7015, Section 1B         | ) | Health and Safety Code |
| 806 13th Street, Suite J      | ) | Section 25187          |
| Vandenberg AFB, CA 93437-5242 | ) |                        |
| EPA ID No. CA 95700252149     | ) |                        |
|                               | ) |                        |
| Respondent                    | ) |                        |
|                               | ) |                        |

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The State Department of Toxic Substances Control  
(Department) and Vandenberg Air Force Base (Respondent) enter  
into this Stipulation and Order (Order) and agree as follows:

1. A dispute exists regarding the Enforcement Order issued  
by the Department on March 14, 1994. (Attached as Exhibit 1.)

2. Respondent admits the allegations made in the  
Enforcement Order.

3. The parties wish to avoid the expense of further  
litigation and to ensure prompt action to achieve the Schedule  
for Compliance below.

4. Jurisdiction exists pursuant to Health and Safety Code  
(HSC) section 25187.

5. Respondent waives any right to a hearing in this matter.

6. This Order shall constitute full settlement of the  
violations alleged in the Enforcement Order, but does not limit

the Department from taking appropriate enforcement action concerning other violations.

SCHEDULE FOR COMPLIANCE

7. Respondent shall comply with the following:

7.1.1. Within 30 days of the effective date of this Order, Respondent shall correct the manifests numbered 91664744, 91660928, 91660930, and 89584763 and resubmit them to the Department in accordance with Health and Safety Code section 25160.5.

7.1.2. Effective immediately, Respondent shall either cease operating its fluorescent light bulb crushing unit or submit a Part A permit application and obtain necessary authorization from the Department to operate this unit in accordance with division 4.5 of title 22 of the California Code of Regulations.

7.2. Submittals: All submittals from Respondent pursuant to this Order shall be sent to:

Scott Simpson, Branch Chief  
Facilities Management Branch  
Department of Toxic Substances Control  
1011 N. Grandview Blvd.  
Glendale, CA 91201

7.3. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by a Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve

Respondent of its obligation to obtain such formal approvals as may be required.

7.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may:

a. Modify the document as deemed necessary and approve the document as modified; or

b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

7.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

7.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the

term of such Stop Work Order.

7.7. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

7.8. Site Access: Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives may enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

7.9. Sampling, Data, and Document Availability: Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other

data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

7.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 7.16 in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Order.

7.11. Additional Enforcement Actions: By agreeing to this Order, the Department does not waive the right to take further



enforcement actions, except to the extent provided in this Order.

7.12. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by the Department.

7.13. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

7.14. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

7.15. Penalties for Noncompliance: Failure to comply with the terms of this Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by HSC section 25188 and other applicable provisions of law.

7.16. Parties Bound: This Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have

responsibility for and jurisdiction over the subject matter of this Order.

7.17. Compliance with Waste Discharge Requirements:

Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

PAYMENTS

8. Respondent shall pay the Department a total of \$8,000 of which \$8,000 is reimbursement of the Department's costs. Respondent's check shall be made payable to Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Within 30 days of the date this Order is fully executed Respondent shall deliver the payment to:

Department of Toxic Substances Control  
Accounting Office  
400 P Street, 4th Floor  
P. O. Box 806  
Sacramento, CA 95812-0806

A photocopy of the check shall be sent:

To: Scott Simpson, Branch Chief  
Facilities Management Branch  
Department of Toxic Substances Control  
1011 N. Grandview Blvd.  
Glendale, CA 91201

To: Denise F. Hoffman  
Office of Legal Counsel  
Department of Toxic Substances Control  
400 P Street, 4th Floor  
P. O. Box 806  
Sacramento, CA 95812-0806

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Respondent's  
Representative

Dated: June 30, 1994

Roy Yeaman  
Roy Yeaman, Unit Chief  
Facilities Management Branch  
Region 3/Glendale  
Department of Toxic Substances  
Control